

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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DISTRICT OF MASS.

DOCKET NO.

**FED-1-25-CV- 10046JEK**

Judge Judy E. Kobick

**CHARLES CLARK**  
**Plaintiff Pro.se**

**Vs.**

**MASSACHUSETTS LAND COURT,**  
**JUDGE Robert B. Foster**  
**MASSACHUSETTS COURT OF APPEALS,**  
**Defendants**

**MOTION: OBSTRUCTION OF JUSTICE AND DEMAND FOR JURY TRIAL UNDER  
RULE 15, Article XV**

**To the Honorable Judge Judy E. Kobick**

Plaintiff Charles Clark, appearing *pro se*, hereby moves this Court to acknowledge and act upon obstruction of justice in this matter, specifically arising from Judge Robert Foster's refusal to recuse himself after his written statement indicating he would do so upon proper filing. On July 8 2025. Mr. Clark asserts that all filings necessary to trigger that recusal have been submitted, and the ongoing delay in assigning this case to a jury constitutes a violation of Mr. Clark's 14th Amendment right to due process and a breach of Rule 15 of civil procedure.

**Background and Legal Grounds:**

1. Rule 15 provides the right to amend pleadings and to ensure that issues are tried by a jury when properly requested. Mr. Clark has repeatedly requested a jury trial, including in prior motions and filings. This request has not been honored. Further, "Article XV (1780)" (The Constitution of The Commonwealth of Massachusetts).

"In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practiced, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it."

2. Judge Foster clearly stated on the record that he would recuse himself if such District Court filings were made. They have been made. His continued involvement, despite this promise, and his refusal to assign the case to a jury which is my "sacred" and "inviolable" right "in all controversies concerning property", is now delaying resolution, obstructing fair and due process, and preventing a constitutionally guaranteed trial.
3. Under the 14<sup>th</sup> and 5<sup>th</sup> Amendment, all litigants are entitled to equal protection and due process of law. By refusing to recuse and delaying a jury trial, Judge Foster is, further, obstructing Mr. Clark's access to justice.

4. The facts in this case are simple, historical, and documented. The jury is fully capable of understanding and deciding them — as would have been done in 1892 under straightforward land and title law.
5. If Judge Foster and Attorney Peter Daigle are confident that their legal positions are correct and the law was properly followed, a jury should easily affirm that outcome. *The persistent avoidance of a jury only raises concern that the law has not been properly applied, and that errors, bias, or misrepresentation are present.*
6. This case has dragged on for over 40 years. There is no legal or procedural justification to delay it further when standing, title, Redemption, and statute of limitations are clearly documented in the public record.

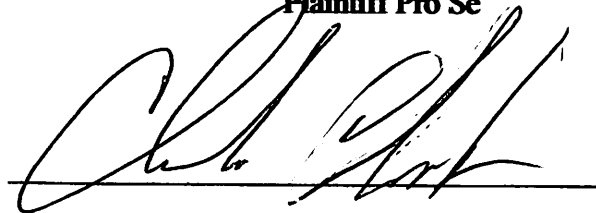
## REQUESTED RELIEF:

- That Judge Foster recuse himself immediately as he stated he would do;
- That his prior orders be vacated;
- That this case be assigned to a new judge who cleaves to both Law and the Code of Judicial Ethics;
- That Mr. Clark's right to a jury trial under Article XV of the Constitution of Massachusetts, Rule 15 and the 14<sup>th</sup> and 5<sup>th</sup> Amendment's to the Constitution of The United States, be enforced without delay;
- That the District Court now enforce Mr. Clark's civil rights, as the current judicial actions have obstructed and delayed resolution in violation of both the Constitution of the United States and The Commonwealth of Massachusetts;
- That this Court recognize that further delay constitutes obstruction of justice and violates both statutory and constitutional law.

Respectfully submitted,

Charles Clark  
Plaintiff Pro Se

July 16, 2025

A handwritten signature in black ink, appearing to read 'Charles Clark', is written over a horizontal line.

**CERTIFICATE OF SERVICE**

**I hereby certify that a copy of this document was mailed to all parties of record on this day**

**July 16, 2025**

**OBSTRUCTION OF JUSTICE**

**Charles Clark Pro se**

**Mail or E-mail to all**

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**July 16,2025**